

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF INTERIM REMEDIAL
ACTION BY:
Metropolitan Park District of Tacoma
4702 South 19th Street
Tacoma, Washington 98405

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AGREED ORDER
No. DE 99TC-S138

To: Metropolitan Park District of Tacoma

I.

JURISDICTION

This Agreed Order ("Order") is issued pursuant to the authority of Revised Code of Washington (RCW) 70.105D.050(1).

II.

FINDINGS OF FACT

The Department of Ecology (Ecology) makes the following Findings of Fact, without admission of such facts by Metropolitan Park District of Tacoma ("District").

1. The District is the owner of an 8.83-acre parcel consisting of uplands and tidelands known as the Dickman Mill ("Site"). The District purchased the eastern portion of the Site in 1991, and the western portion in 1993. The Site is located at 2423 Ruston Way, Tacoma, Washington. Approximately 5.4 acres of the parcel are tidelands. The legal description of the property is: Lots 1 to 15, inclusive, block 78, and lots 1 to 7, inclusive, and the southeasterly 5 feet of lot 8, block 82, all in Map of Tacoma Tidelands, as surveyed and platted by the board of tide land appraisers for Pierce County, according to plat filed for record September 14, 1895, in the office of the County Auditor. See site location map, Figure 1.
2. The property was used as a sawmill between 1889 and 1977. The mill structures included a large overwater decked area at the west end of the Site, a boiler house, sawmill building, office building, concrete water tank, decked area above tidelands at the east end of the Site, sawdust burner, and pier.

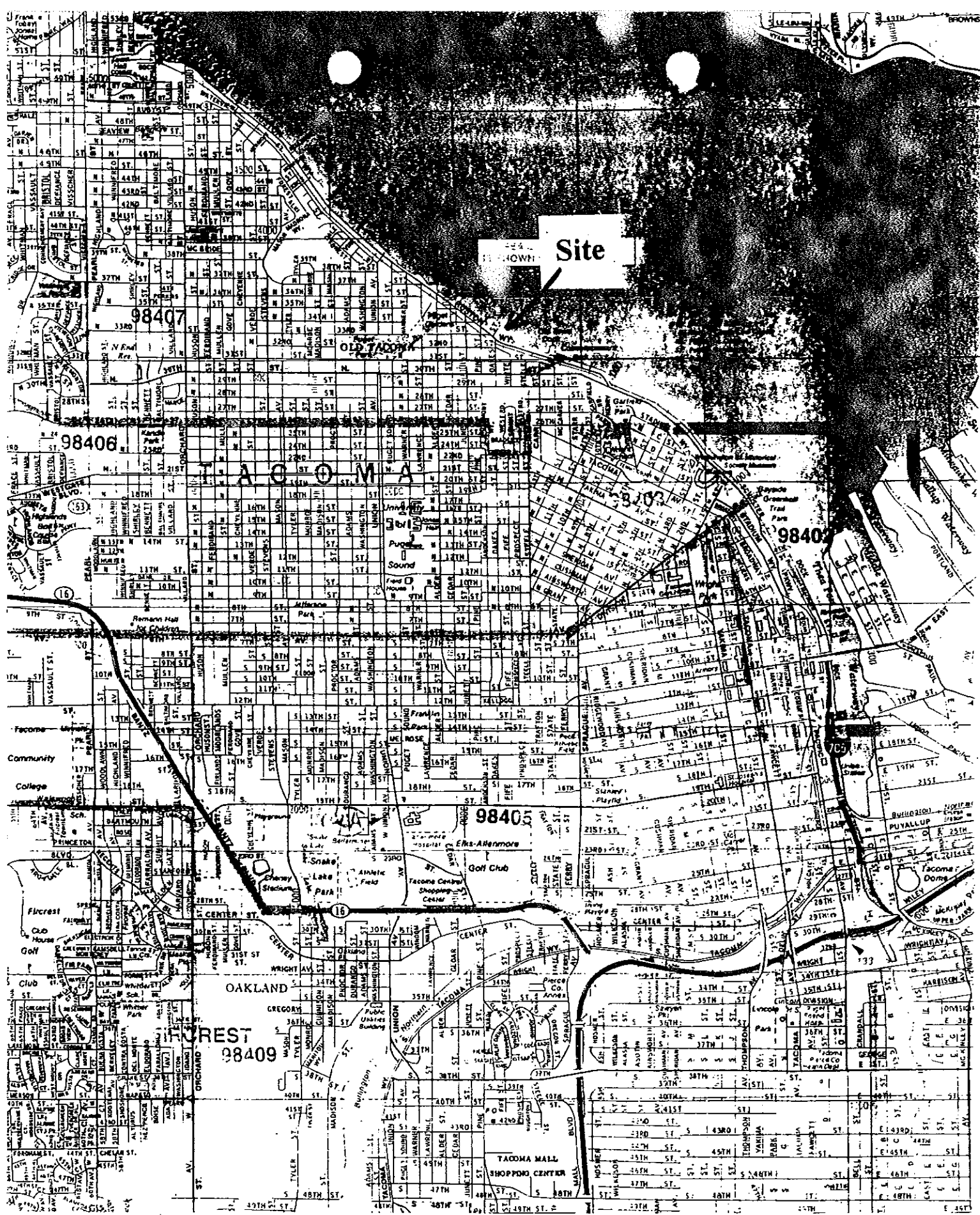


FIGURE 1: SITE LOCATION MAP
DICKMAN MILL SITE

Many of the mill buildings and decked areas were constructed over the tidelands upon concrete foundation walls. The mill buildings were partially destroyed by fire in 1978. The remains of the mill buildings remained on the Site until 1998, when they were demolished and removed by the District in preparation for developing the Site into a park. Much of the surface of the Site is covered with a thick layer of sawdust or a sawdust/soil mixture.

3. The District intends to develop the Site into a park beginning in 1999. The concrete sawdust burner structure, boiler house foundation, and concrete foundation walls are still present on the Site, and are slated to be used in the new park design. The park design includes excavation of much of the west end of the Site to create an intertidal wetland. A large berm along the northwest beach will be constructed to isolate the wetland from Commencement Bay. The intertidal area in front of the beach berm will be covered with up to 12 inches of cobble and gravel. A beach at the east end of the Site behind the concrete water tank will also be covered with cobble and gravel. The concrete water tank will be removed.
4. Ecology staff visited the Site in July and October of 1998 with District representatives to evaluate the Site for potential contamination problems. Ecology made the following observations: The material in old sawdust burner structure appears consist of ash and metal debris; the intertidal area northwest of the sawdust burner contains areas of metals debris and shavings; and there is a pile of what appears to be boiler ash and "clinker" in the intertidal area adjacent to the old boiler house foundation. Large piles of metal debris which had been present near the sawdust burner were removed during Site demolition. Ecology recommended sampling these areas as well as the planned wetland surface and the beach areas which are slated to be covered. Also, Ecology recommended sampling the soils in the proposed lawn fill area. (See Ecology letter to District dated October 6, 1998, Exhibit A).

5. Based on the Ecology observations and letter, Washington State Department of Fisheries staff have requested the District obtain samples of any existing or planned intertidal areas prior to park development. This requirement is a contingency of the District's Hydraulic Project Approval.
6. A summary of past Site sampling is below. Refer to Figure 2 for sample locations.
 - a) December 1988, Preliminary Environmental Risk Assessment performed by HartCrowser for the Berry & Berry Associates. Report states that sawdust present on the Site could generate hydrogen sulfide and methane; asbestos was present in boiler house; oil stains on floor of storage shed tested and no PCBs found. Also, historical research indicated that no wood treatment occurred on the Site. The District removed the asbestos in 1998. The 1988 assessment also refers to a 1985 report where sediments from the east portion of the Site were tested for metals, PCBs, pesticides, and semivolatile chemicals, and concludes that "no significant contamination was discovered." The 1985 report has not been found.
 - b) March 1993, Preliminary Environmental Assessment Update and Limited Sampling and Analysis Report for west part of property, performed by HartCrowser for the District. Two soil samples were collected from about 2 feet deep in the vicinity of the old sawmill building. Both samples were analyzed for Total Petroleum Hydrocarbons (TPH) and one was analyzed for metals. Sample S-3 was collected from between remnants of the concrete foundation for the old sawmill, where intermittent oily stains had been observed in the sawdust substrate. It contained 1,300 parts per million oil (ppm). Sample S-4 was collected farther upland and contained only 35 ppm oil. Two sediment samples were also obtained from 0-6 inches deep offshore of the west end of the Site. Sample S-1, at the far west end, contained a small amount of TPH (35 ppm). Metals detected in this sample were well below the State Sediment Quality Standards (WAC 173-204). Sample

S-2 contained 55 ppm oil. S-2 was also tested for volatile organic chemicals, which were not detected. S-2 was not tested for metals.

- c) April 1993, Preliminary Environmental Assessment Update and Limited Sediment Sampling and Analysis for east part of property, performed by HartCrowser for the District. Two composite sediment samples were obtained at depths of 0-4 inches from the lower intertidal area (approximately +5 MLLW) in front of the old boiler house. (These samples were also named S-1 and S-2, but are not the same as the samples from the March 1993 report.) Sample S-1 did not exceed the State Sediment Quality Standards (SQS) for any metals or semivolatile chemicals. Sample S-2 contained copper, lead, and four of the PAH compounds above the SQS. A white filmy algae-like material was observed on the beach but was not sampled. This report states that in 1992 an underground storage tank was reportedly removed from the Site. The location of the former tank and the conditions of its closure are unknown.
- d) June 1998 sediment samples. HartCrowser obtained two additional sediment samples in areas from the east end of the Site containing the white film coating which was first observed in 1988, and analyzed them for total metals, major ions, total organic carbon, and total volatile solids. The white film was identified as naturally occurring sulfur-oxidizing bacteria. Sample S-3 was obtained offshore of the old pier foundation and contained 2,430 ppm copper, significantly above the SQS of 390 ppm. Sample S-4 was obtained immediately offshore of the boiler house foundation and contained 1080 ppm copper and 3490 ppm lead (compared to the SQS for lead of 450 ppm), and 0.8 ppm mercury (compared to the SQS for mercury of 0.41 ppm).
- e) August 1998 soil samples. GeoEngineers obtained soil samples from six locations at varying depths while conducting geotechnical investigations. Preliminary results of

FIGURE 2
DICKMAN MILL
SAMPLE LOCATIONS AND
PROPOSED PARK DEVELOPMENT

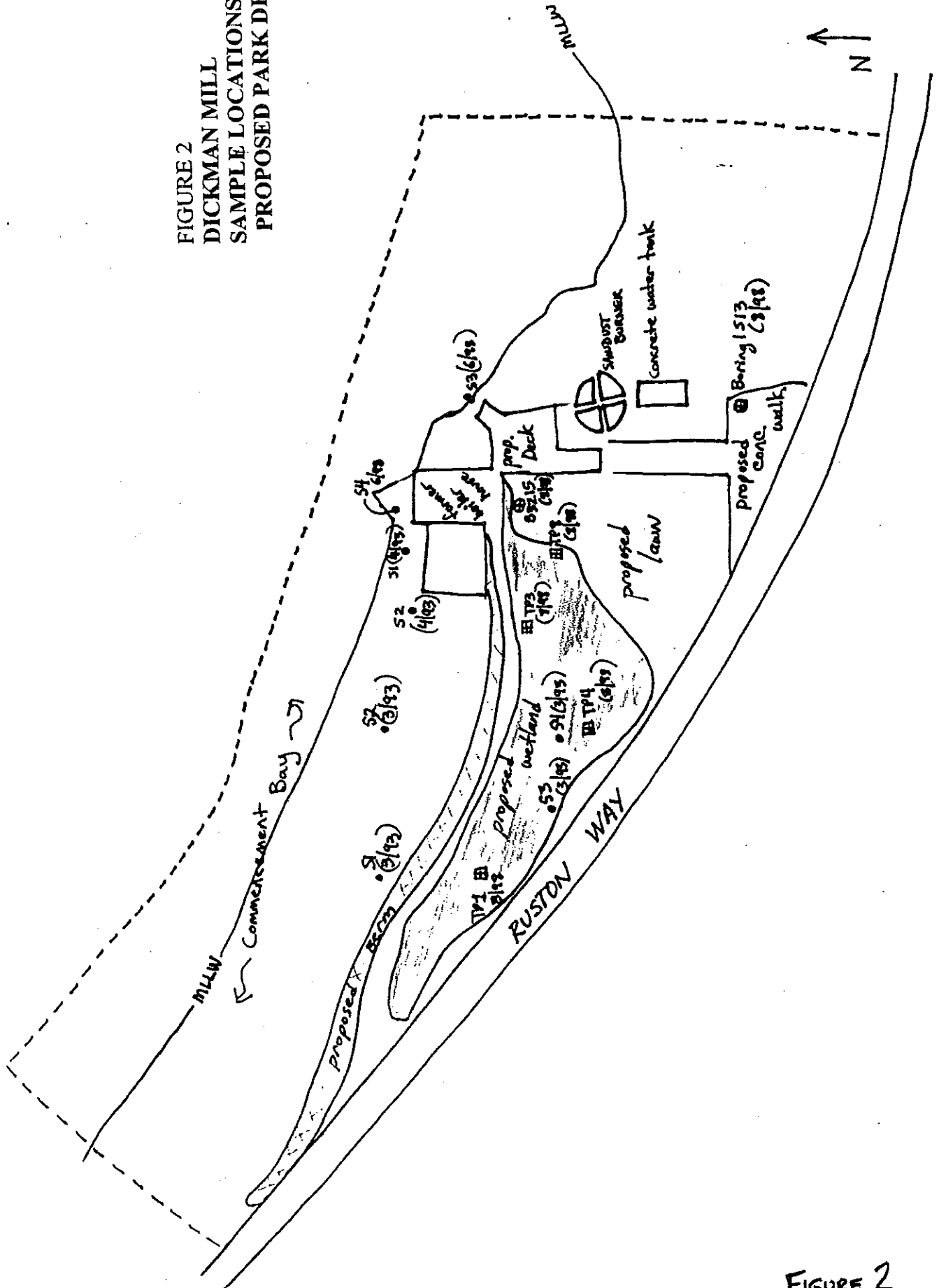


FIGURE 2

these unpublished data indicate that most of the sawdust/soil material throughout the Site does not contain contaminants at levels of concern for human health or for marine life. However, test pit-1 (TP-1), located in the area slated to be converted to an intertidal wetland, contained lead slightly above the Sediment Quality Standard (499 ppm, compared to 450 ppm). Semivolatile organic contaminants were analyzed at two of the locations. TP-1 contained several PAH compounds above the Commencement Bay Federal Sediment Quality Objectives*, and carcinogenic PAH slightly above the MTCA method A residential cleanup levels.

*Comparison of semivolatile values to the State SQS is not possible because the samples were not analyzed for Total Organic Carbon.

III.

ECOLOGY DETERMINATIONS

1. The District is an "owner or operator" as defined at RCW 70.105D.020(12) of a "facility" as defined in RCW 70.105D.020(4).
2. Existing sediment data indicate that parts of the intertidal area are contaminated with metals and some PAH compounds. A sample from the area slated to be excavated for a wetland contained lead and PAH above the SQS and MTCA Method A residential standards.
3. Areas with ash and metal debris observed at the Site are likely to contain contaminants, based on Ecology experience with similar materials at other sites.
4. Ecology has determined that an Interim Action under WAC 173-340-430 for sampling and cleanup of existing and proposed intertidal areas is necessary to ensure that development activities do not preclude future Site cleanup. The action is necessary to ensure that the proposed surface of the created wetland does not pose a threat to marine life, that beaches to be covered with gravel and cobble are not contaminated, and that existing intertidal areas do not pose a threat to marine life.

Ecology has determined that the areas of the Site which are slated to be developed in the spring of 1999 are most important for immediate sampling and interim cleanup, because development activities will preclude future cleanup.

5. The substances found at the facility as described above are "hazardous substances" as defined at RCW 70.105D.020(7).
6. Based on the presence of these hazardous substances at the facility and all factors known to Ecology, there is a release or threatened release of hazardous substances from the facility, as defined at RCW 70.105D.020(20).
7. By a letter of February 19, 1999, Ecology made a final determination that the District is a "potentially liable person" under RCW 70.105D.040.
8. Pursuant to RCW 70.105D.030(1) and 70.105D.050, Ecology may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.
9. Based on the foregoing facts, Ecology believes the remedial action required by this Order is in the public interest.

IV.

WORK TO BE PERFORMED

Based on the foregoing Facts and Determinations, it is hereby ordered that the Metropolitan Park District of Tacoma take the following remedial actions and that these actions be conducted in accordance with Chapter 173-340 Washington Administrative Code (WAC) unless otherwise specifically provided for herein.

1. Prepare an Interim Action Sampling and Analysis Plan (SAP) for Ecology review and approval. The plan shall include sampling to assess sediment quality in intertidal areas which are slated to be covered up by decking or gravel during Site development; characterize suspect materials for

disposal; and assess sediment quality of new intertidal surfaces to be created. In addition, the plan should include sampling of existing surfaces which will be backfilled to create a lawn area. The SAP shall conform to the requirements of WAC 173-340-820 (Model Toxics Control Act Regulation), WAC 173-204-600 (Sediment Management Standards), and Ecology's Draft Sediment Sampling and Analysis Plan Appendix, as applicable. At a minimum, the plan shall address the immediate Site concerns described below:

- a) Material in old sawdust burner.
 - b) Intertidal sediments adjacent to and northwest of sawdust burner, including visual observations for extent of metals/debris piles.
 - c) Ash/clinker within foundation next to old boiler house. Characterize for disposal and confirm that underlying sediments are clean.
 - d) Proposed surface of intertidal wetland. (Either before or after excavation.)
 - e) Beach area behind old concrete water tank which is slated to be covered with gravel/cobble.
 - f) Beach area in front of and under proposed berm and gravel cover at northwest shore.
 - g) Surface of area proposed to be filled for lawn.
2. Implement the approved Sampling and Analysis Plan and provide results and conclusions to Ecology, including recommendations for further action, if necessary.
 3. Conduct interim cleanup or removal activities to remediate contamination identified in the SAP. The scope and schedule for the interim cleanup will be determined after results from the sampling activities are available.

4. Schedule:

- Submit draft Sampling and Analysis plan within 30 days of the effective date of this Order.
- Submit final Sampling and Analysis Plan within 3 days of receiving Ecology's comments on the draft plan.
- Completion of the work and submittal of the draft report shall be done in accordance with the schedule in the approved SAP.
- Submit final report within 7 days of receiving Ecology's comments on the draft.
- Perform interim cleanup activities in accordance with schedule to be negotiated between Ecology and the District after results from Site sampling are available.

5. All work shall be conducted under a Site safety and health plan. A copy of the plan shall be submitted to Ecology with the SAP.

V.

TERMS AND CONDITIONS OF ORDER

1. Definitions.

Unless otherwise specified, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms used in this Order.

2. Public Notices.

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that the Order is inadequate or improper in any respect.

3. Remedial Action Costs.

The District shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, oversight, and administration. Ecology costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). The District shall pay the required amount within 90 days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of the itemized statement of costs will result in interest charges.

4. Designated Project Coordinators.

The project coordinator for Ecology is:

Joyce Mercuri, Site Manager
Department of Ecology, Southwest Region
P. O. Box 47775
Olympia, WA 98504-7775
(360) 407-6260
FAX: (360) 407-6305

The project coordinator for the District is:

Dan Scamporlina, Manager
Metropolitan Park District of Tacoma
Planning and Development
4702 South 19th Street
Tacoma, WA 98405-1175
(253) 305-1052
FAX: (253) 305-1005

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and the District, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to

the terms and conditions of this Order, shall be directed through the project coordinator(s). Should Ecology or the District change project coordinator(s), written notification shall be provided to Ecology or the District at least ten (10) calendar days prior to the change.

5. Performance.

All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or similar expert, with appropriate training, experience, and expertise in hazardous waste site investigation and cleanup. The District shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the Site. The District shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order and shall ensure that all work undertaken by such agents, contractors and subcontractors will be in compliance with this Order.

Except where necessary to abate an emergency situation, the District shall not perform any remedial actions at the Dickman Mill Site outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

6. Access.

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the Site at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the District. By signing this Agreed Order, the District agrees that this Order constitutes reasonable notice of access and agrees to allow access to the Site at all reasonable times for purposes of overseeing

work performed under this Order. Ecology shall allow split or replicate samples to be taken by the District during an inspection unless doing so interferes with Ecology's sampling. The District shall allow split or replicate samples to be taken by Ecology and shall provide seven (7) days notice before any sampling activity.

7. Public Participation.

Ecology shall maintain the responsibility for public participation at the Site. The District shall help coordinate and implement public participation for the Site.

8. Retention of Records.

The District shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of the District, then the District agrees to include in their contract with such contractors or agents a record retention requirement meeting the terms of this paragraph.

9. Dispute Resolution.

The District may request Ecology to resolve disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory, or his/her successor(s), to this Order. Ecology resolution of the dispute shall be binding and final. The District is not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing.

10. Reservation of Rights/No Settlement.

This Agreed Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority. Ecology will not, however, bring an action against the District to recover remedial action costs paid to

and received by Ecology under this Agreed Order. In addition, Ecology will not take additional enforcement actions against the District to require those remedial actions required by this Agreed Order, provided the District complies with this Agreed Order.

Ecology reserves the right, however, to require additional remedial actions at the Site should it deem such actions necessary.

Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the releases or threatened releases of hazardous substances from the Dickman Mill Site.

In the event Ecology determines that conditions at the Site are creating or have the potential to create a danger to the health or welfare of the people on the Site or in the surrounding area or to the environment, Ecology may order the District to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property.

No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the District without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest the District may have in the Site or any portions thereof, the District shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, the District shall notify Ecology of the contemplated transfer.

12. Compliance With Applicable Laws.

A. All actions carried out by the District pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in paragraph B of this section.

B. Pursuant to RCW 70.105D.090(1), the substantive requirements of Chapters 70.94, 70.95, 70.105, 75.20, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals for the remedial action under this Order that are known to be applicable at the time of issuance of the Order will be included in any Cleanup Action Plan that will be generated based on the findings of the SAP.

It is not anticipated that any permits will be necessary to conduct the sampling anticipated by this Order. However, the District has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event the District determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify Ecology of this determination. Ecology shall determine whether Ecology or the District shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the District shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the District and on how the District must meet those requirements. Ecology shall inform the District in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The District shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its

final determination. Ecology shall ensure that notice and opportunity for comment is provided to the public and appropriate agencies prior to establishing the substantive requirements under this section.

C. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency which is necessary for the state to administer any federal law, the exemption shall not apply and the District shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

VI.

SATISFACTION OF THIS ORDER

The provisions of this Order shall be deemed satisfied upon the District's receipt of written notification from Ecology that the District has completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Agreed Order have been complied with.

VII.

ENFORCEMENT

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

- A. The Attorney General may bring an action to enforce this Order in a state or federal court.
- B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.
- C. In the event the District refuses, without sufficient cause, to comply with any term of this Order, the District will be liable for:

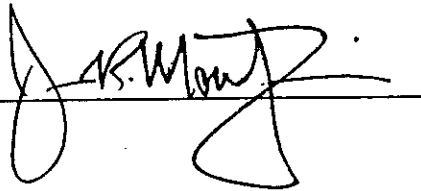
(1) up to three times the amount of any costs incurred by the state of Washington as a result of its refusal to comply; and

(2) civil penalties of up to \$25,000 per day for each day it refuses to comply.


D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under Section 6 of Chapter 70.105D RCW.

Effective date of this Order: April 12, 1999

METROPOLITAN PARK DISTRICT
OF TACOMA

By 

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

By 



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 6, 1998

Dan Scamporlina
Metropolitan Park District of Tacoma
4702 S. 19th Street
Tacoma, WA 98405-1175

Dear Mr. Scamporlina:

This letter is a follow up to our meeting and site visit to the Dickman Mill site on September 17, 1998. At that time, we discussed the need for sediment and soil characterization at the site prior to development of the site as a park. You have asked me for technical assistance to determine the scope of sampling needed. Below I have identified specific areas which I observed to be of concern during our site visit, and have provided information about sampling for those areas. This advice should be considered general guidance only – your consultant will need to flesh out the sampling program. I will be glad to review and comment on a sampling and analysis plan through Department of Ecology's (Ecology) Voluntary Cleanup Program, which I have described to you in the past.

Alternatively, Ecology and the Metropolitan Park District could enter into a prepayment agreement (PPA) and then negotiate an agreed order for the site investigation. The advantage of this approach is that Metropolitan Park District could request grant funds to partially cover the costs of the investigation as it is taking place. With the Voluntary Cleanup Program, the Park District could only request grant funds retroactively after the site receives a "no further action" status letter. Furthermore, since this site is intended to attract marine wildlife, Ecology believes that the sediment issues must be carefully addressed and that the project would benefit from Ecology oversight. The prepayment agreement is a fairly simple document which commits the Park District to reimbursing Ecology for time spent developing the agreed order (see example PPA attached). I strongly encourage you to consider this approach.

In general, Ecology is concerned that any areas which will be below Mean Higher High Water (MHHW) after the park is developed meet marine sediment quality standards (includes the constructed wetland as well as existing beach areas); that fill used as overburden in the lawn area is clean; that the existing material in the lawn area that will be covered up is clean enough to prevent leaching to stormwater or groundwater; and that all excavated materials are properly disposed of.

Sediments

In general, all sediment samples should be analyzed for the parameters identified in Chapter 173-204 WAC (Sediment Management Standards), as well as total organic carbon and grain size. Samples should be obtained and analyzed using the Recommended protocols for measuring conventional sediment variables in Puget Sound, Puget Sound Estuary Program (EPA), 1996. Ecology's guidance document on sediment sampling plans recommends obtaining three surface sediment samples from each area of

Exhibit A



concern as a screening measure. I have included the guidance document with this letter (Draft Sediment Sampling and Analysis Plan Appendix to Ecology's Sediment Source Control Users Manual, December 1995). For the purposes of screening, composite samples may be appropriate. However, additional discrete samples will be needed if the composite sample does not meet the sediment standards. Samples should be obtained from the top 0-10 centimeters of sediments. If the beach is covered with debris or cobbles, the sample should be obtained from the sediments underneath the debris.

Areas which I observed that could be of concern for sediment contamination are:

1. Beach area behind old concrete water tank. General characterization is needed before covering with cobble/gravel as planned.
2. Material in sawdust burner structure. Some exploratory hand-dug test pits might be useful here to get a feel for how heterogeneous the material is. Samples should be obtained from visually discrete types of material. You may wish to take a phased approach to the analysis of these samples. For example, if you analyze for metals first, and find significant exceedences of the standards, you may opt to move directly to removal of the sediments without further characterization for sediment quality. Some characterization for waste disposal purposes would still be necessary. If the surface of this area is slated to be scraped away to remove surface metal debris, the sample should be from the proposed new surface.
3. Area adjacent to and northwest of the sawdust burner (partially beneath planned decking). This area appears to consist mostly of a substrate of sawdust, but contains some areas/piles of metals debris mixed with soils. Since this area is divided by a series of concrete footings, it should be carefully observed to identify areas of debris and potential contamination. If the debris piles are slated to be removed as part of the project, I recommend that they be scraped up and removed first, then underlying sediments can be sampled. Alternatively, you could sample the sawdust substrate to determine it is clean, then document complete removal of the piles with confirmation samples when project construction is underway. I also noticed some remnants of metal slag debris piles near some of the old concrete footings. These should be removed.
4. Intertidal area (inside concrete footings) immediately west of old sawmill building foundation. There is a pile of what appears to be boiler ash and clinker in this area. You have indicated that the bricks and debris, including the ash, will be removed. Sediments beneath the debris piles should be sampled to confirm all contaminants were removed. (The pile itself will need to be tested for waste disposal purposes).
5. Intertidal beach area to be covered with cobble/gravel at the west shoreline. General characterization is needed before covering with cobble/gravel as planned.
6. Proposed wetland. The proposed new surface of the wetland area should be tested. Even though this area is slated to be capped with two feet of clean soils, it is important to know the quality of material being capped. This could be accomplished by digging test pits or borings to the appropriate depth below ground surface to intersect with the proposed elevation of the bottom of the wetland. It would be useful to calculate the elevation of the existing samples from test pits 1, 3, and 4.

Lawn Area

The existing soils in the proposed lawn area should be tested before covering them up with fill. Of concern here are any contaminants which could leach to the storm drain system which will be installed in this area, or could be carried to Commencement Bay through groundwater. At a minimum, I recommend sampling for metals and semivolatiles in this area.

You have indicated that the overburden from the proposed wetland might be used as fill in the lawn area. One sample from the overburden (TP1) contained elevated lead and PAH. I recommend obtaining a few more samples, from varying depths within the area to be excavated, before using the overburden in the lawn area. Composite samples would be appropriate for this purpose. As an example, you could install three test pits evenly spaced throughout the overburden area and composite three sub-samples from 1, 3, and 5 feet deep within each one, for a total of three samples.

Waste Disposal

Any materials which are slated for disposal should be tested to determine proper disposal methods. In particular, the sediments in the sawdust burner, the miscellaneous piles in the area northwest of the sawdust burner, and the boiler ash/clinker need to be tested. I recommend you discuss testing requirements with potential landfills to determine what to analyze for. Typically, composite samples are considered appropriate for disposal purposes.

Offshore sediments

Several samples waterward of the site buildings have been obtained at this site. Most recently, HartCrowser obtained samples S3 and S4 (6/98), which contained copper, lead, and mercury. The concentrations of copper and lead were significantly above sediment quality standards. In the past I have told you that the offshore sediment issues could wait until the more immediate needs for the current site development phase is completed. However, it would make sense to incorporate the offshore sediment issues into the overall project under an Ecology Agreed Order, which could be partially funded through a grant. The initial step for this would be better characterization of the extent of the contamination in the nearshore area.

I hope this information is useful to you. I hope to talk to you in the near future about the prepayment agreement approach. Please call me at (360) 407-6260 if you have questions.

The following paragraphs are standard disclaimers for Ecology opinion letters:

Please note that because your actions will not be conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(I) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

The opinions presented by Ecology in this letter are made only with respect to the information provided by you and Geoengineers at our meeting on September 17. This opinion is only applicable to the specified site (or portion of the site) and may not be used to justify action at any other site (or portion of the site) nor any other properties owned or operated by the Metropolitan Park District of Tacoma. The state, Ecology, and its

Mr. Scamporlina
October 6, 1998
Page 4

officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this guidance.

Sincerely,

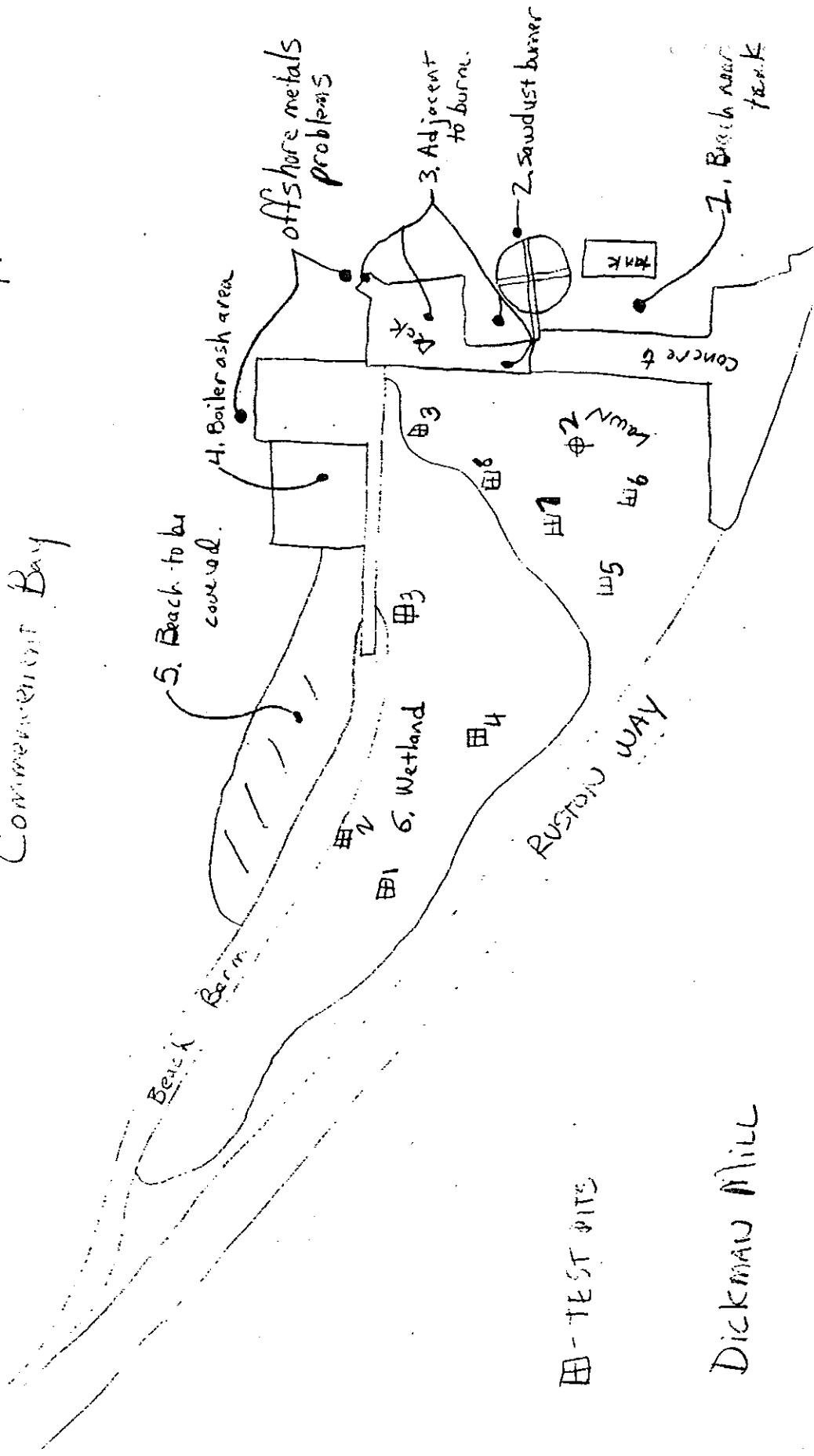
A handwritten signature in cursive script, appearing to read "Joyce Mercuri".

Joyce Mercuri
Site Manager
Toxics Cleanup Program
Southwest Regional Office

JM:td
Enclosures

cc: Layne Alfonso, Geoengineers

Commemorant Bay



Dickman Mill